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ABSTRACT

This essay provides teachers and others with an awareness of the social and political implications of words used to designate indigenous peoples of North America. How a group is seen by others and how it sees itself in many ways define the conditions under which the group will live, and the options it can exercise to affect these conditions. The distinction between identifying American Indians as members of "peoples" that constitute "nations" in their own right, and casting them as members of groups that comprise something less--a community, a clan, a "minority group," or a "tribe"--incurs a decisive meaning. Words such as "nation" and "tribe" are not interchangeable in either political or legal contexts, all protestations of government officials and "responsible tribal leaders" notwithstanding. Evidence drawn from dictionaries, Native-language terminology, historical documents, treaties, federal legislation, Supreme Court decisions, and international law is used to demonstrate: (1) the inappropriate emphasis on blood lines suggested by "tribe"; (2) the lack of a Native-language equivalent to "tribe"; (3) the animalistic and subordinate connotations of "tribe," as opposed to the strictly human meaning of "people"; (4) the meaning of "nation" and implications for government-to-government relations; and (5) how these words relate to the rhetoric of extermination. Pursuing a language of liberation is the first step in ensuring that indigenous peoples are accorded the inherent rights of self-determination possessed by peoples and nations. Contains 116 endnotes. (SV)

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Naming Our Destiny

Toward a Language of American Indian Liberation

Ward Churchill

> Until the last decade of the treaty-making period, terms familiar to modern international diplomacy were used in the Indian treaties....Many provisions show the international status of Indian tribes, through clauses relating to war, boundaries, passports, extradition, and foreign relations.
>
> —Felix S. Cohen
> *Handbook on Federal Indian Law*

"What's your tribe?" This familiar query, typically coming after introductory greetings between American Indians, or extended by non-Indians when introduced to Indians, is hardly as innocuous as it may seem on its face. Nor is the usual reply, offered reflexively and consisting of only a few words: "I'm a member of the Kiowa Tribe," or "the Mohawk Tribe," the "Lummi Tribe," or any of several hundred comparable designations popularly, anthropologically, and often legally recognized as describing the status of the many distinct peoples indigenous to North America. Although both the question and its response(s) may appear harmless enough, merely a cordial or even "sensitive" intercultural speech-pattern which has become well accepted through customary usage, they are actually charged with a high

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degree of political content, all of it implicitly negative in terms of native rights and dignity. Indeed, the vernacular of "tribalism" is one which goes a long way toward foreclosing on the potential for positive changes in the socioeconomic and political situation of American Indians occurring in the future.

The principles at issue are both fundamental and straightforward. How one is perceived by others does much to determine the nature of the respect—or lack of it—they are likely to accord you. By the same measure, how one sees oneself is a crucial element—the predicating element, in fact—by which one ultimately defines the type and extent of respect (and attendant rights) one asserts as one's due. If one is generally viewed by others as being "shiftless," s/he will be treated quite differently than an individual who is considered to be "motivated." To the extent that one adopts or accepts this externally-imposed designation of shiftlessness as an accurate depiction of oneself, it will be validated, the accompanying treatment one is accorded permanently locked in place as being both necessary and appropriate. Only when one's self-concept is at odds with the views of others does the foundation exist for one to challenge and resist one's classification and the treatment which results from it. Moreover, the degree to which one rejects a given categorization correlates rather precisely to the kind and depth of challenge and resistance one is likely to offer, and, correspondingly, the probability that one will be able to force changes in external perceptions and the circumstances that derive from them.

Such matters are, of course, as relevant to the dynamics of interactive group processes as they are

to the realm of interpersonal relations: how a group is seen by others, and how it sees itself, are factors that in many ways define the conditions under which the group will live, and the options it will be able to exercise in affecting these conditions. It is, for example, one thing to see oneself as being part of a social or political movement, quite another to be lumped in as a member of a mere "gang." Or, to take another illustration, there is a very different connotation to being described as a "law enforcement officer" on the one hand, and being branded as part of "a mob of common thugs" on the other (albeit, in practice, it's often hard to tell the difference between the conduct of the two groups). Hence, it seems self-evident that how individuals and groups are labeled or named—and, perhaps more importantly, how they name themselves—is vital to the circumstances of their existence. In naming ourselves, both individually and collectively, we in effect name not only our reality, but our destiny.

With this in mind, the distinction between American Indians being identified as members of *peoples* understood to constitute *nations* in our own right, and being cast as members of groups commonly perceived as comprising something less—a community, say, or a family, a clan, a "minority group," or a "tribe"— incurs a decisive meaning. Words such as "nation" and "tribe" are *not*, all protestations of government officials and "responsible tribal leaders" notwithstanding, "interchangeable" in either political or legal contexts. To the contrary, phrases such as "tribal sovereignty," currently in vogue in such circles, add up to near-perfect

politico-judicial oxymorons, logical impossibilities designed to distort and confuse rather than to inform or clarify discussion of indigenous rights. Referring to someone, or to oneself, as a "member of an Indian tribe" is not, and has never been, a friendly or "value-neutral" act. This essay will endeavor to explain why.

"Tribes" versus "Peoples"

The ongoing significance of Europeans' bestowal of the term "tribes" upon the native peoples they encountered during the period of their expansion across the globe may be apprehended in a meaning of the word which was being developed concurrently. According to the definitive *Oxford English Dictionary* (OED), a tribe is a "group in the classification of plants, animals, etc., used as superior and sometimes inferior to a family; also, loosely, any group or series of animals."[1] There is thus little disparity between categorizing indigenous peoples as tribes, and classifying them as being aggregated into herds, packs, gaggles, coveys, flocks, or any other mode of "lower" animal organization. When applied to specifically human groups, the term takes as its primary focus the lineage of the people included within its rubric, in much the same manner that cattle breeders concern themselves with the pedigree of their livestock. In fact, *Webster's New Collegiate Dictionary* continues to directly associate the term with "*Stock Breeding*" (emphasis in the original), as in "a group of animals descended from some particular female progenitor, through the female line."[2] It is in this light that the balance of the OED's current definition of "tribe" should be

considered:

> A group of persons forming a community and claiming common ancestry...A particular race of recognized ancestry; a family...the families or communities of persons having the same surname...A race of people; now esp. to a primary aggregate of people in a primitive or barbarous condition, under a headman or chief.

Or, examine the pertinent language in *Webster's*:"[A]ny aggregation of people, esp. in a primitive or nomadic state, believed to be of a common stock." No matter which way one twists it, to be addressed as "tribal" by English-speaking people—and by speakers of all other major European languages as well—is to be demeaned in a most extraordinarily vicious way. Not only is one's society definitionally restricted from having achieved any level of cultural attainment beyond that of "primitivism" or "barbarism"—both thoroughgoing pejoratives in the Western lexicon—but one is personally reduced thereby to being construed as no more than the product of one's gene pool. Suffice it to say that a more resoundingly racist construction would be difficult to conceive.[3]

Undoubtedly, there are those, non-Indian and Indian alike, who will wish to argue that such an assessment is overly harsh, that it is somehow skewed toward the negative. Use of the term with regard to American Indians in this day and age, they will contend, is actually a positive gesture affording appropriately respectful homage to the uniqueness of Native American traditions, especially the importance of kinship systems in indigenous societies. Despite the surface plausibility of such

assertions, they are ultimately vacuous, overlooking as they do the operant realities of traditional native life. While it is true that most indigenous societies were, and in many cases still are, organized along lines of kinship, this hardly implies the preoccupation with "blood lines" connoted by the term "tribe."[4] Assuming hypothetically that there was ever a genetic structure by which Cheyenne "blood" might have been distinguished from that of a Comanche, Pawnee, or Maidu (a biological impossibility in itself), any such distinction would have disappeared thousands of years ago, entirely as a result of the normal (traditional) functioning of the societies involved. It is no great mystery that most—perhaps all—native peoples customarily incorporated members of other indigenous groups into themselves through various means, most often by marriage, adoption, and the taking of captives; sometimes this occurred through the merger of entire groups into a new whole. Once the invasion of North America began in earnest, the scope of such inclusion was extended by many indigenous peoples to encompass not only Indians of other groups, but considerable numbers of Europeans and Africans as well.[5] In any event, it is clear that Native American traditions most often placed a premium on such things as cultural integrity and allegiance to the group, *as opposed to* lineage per se, in determining social membership and identity.

This may explain why no native language in North America—and surely language must be taken as a key indicator of traditional concepts—contains a word which translates accurately as "tribe." The literal translation of most American Indian people's

names for themselves was, traditionally, exactly that: "people." The consistency with which what is at best a mistranslation has been substituted for more accurate terminology cannot be dismissed as something either benign or inadvertent. Consider the relevant portion of *Webster's* definition of most native groups' own self-descriptor:

> **Peo'ple**...**1.** A body of persons united by a common character, culture, or sentiment; the individuals collectively of any characteristic group, conceived apart from the unity of the group as subject to common government (that is, as a *state*) or as issued from a common stock (that is, as a *race* or *tribe*). **2.** A race, tribe, or nation; as, the *peoples* of Europe [emphases in the original].

The OED amplifies this, defining a people as being:

> A body of persons composing a community, tribe, race, or nation; = FOLK...Sometimes viewed as a unity, sometimes as a collective of number...The persons belonging to a place or occupying a particular concourse, congregation, company, or class...Those to whom any one belongs; the members of one's tribe, clan, family, community, association, church, etc., collectively...The common people, the commonality...The whole body of enfranchised or qualified citizens, considered as the source of power; esp. in a democratic state, the electorate...Men or women indefinitely; men and women; persons, folk.

Plainly, there is nothing positive which can be said to be intrinsic to the meaning of "tribe" and not immediately encompassed within the much more broadly delineated term "people." The significance of

the Euroamerican's continuing insistence upon referring to native societies as tribes rather than as peoples can thus be located primarily—though not necessarily exclusively, as will be explained below—in the expressly animalistic emphasis embodied in the former, a matter readily contrasted to the fact that the latter relates, as the OED puts it, specifically and "*emphatically* [to] Human beings" (emphasis in the original). It follows that, when indigenous peoples are passed off as tribes, and conditioned to view themselves in this way, they are effectively cast as being subhuman. The upshot is unmistakable. Designation of Indians as tribes provides a near-perfect psychic rationalization/justification of the perpetual, "natural," and "inevitable" subordination of native ("tribal" and therefore "lower," "lesser," or "inferior") societies to their purported European/Euroamerican "betters" ("non-tribal," and therefore, by definition, "superior"). From the imposition of such linguistic subordination, it is but the easiest of steps, both psychologically and physically, to what has always been Eurosupremacism's business-as-usual: the wholesale and systematic expropriation of American Indian assets.[6]

That the term involved functions as a sort of "polite" code for what is actually being said does nothing at all to mitigate or change the situation for the better. Instead, it in many ways makes things worse. Because it to some extent confuses and conceals the nature of the real aspersion being hurled, the code has served as a convenient mask behind which the dominant society's desired (mis)impressions of Native America might be ever more deeply and subliminally imbedded in the popular con-

sciousness, a circumstance extended at this point even to their adoption—as a matter of "cultural pride," no less—by Indians themselves.[7] To be oppressed is one thing, but to be conned into validating that oppression (engaging in outright self-oppression), is quite another and far more insidious proposition.

The Meaning of "Nation"

Nor has "people" ever been the only terminological alternative to "tribe" available to English-speakers, were they to seek to adequately describe the makeup of indigenous groups. The word "nation," for example, is defined by *Webster's* as being properly applicable to a "people connected by supposed ties of blood generally manifested by a community of language, religion, customs, etc....Any aggregation of people having institutions and customs and a sense of social homogeneity and mutual interest...The body of inhabitants of a country united under a single independent government." Or, to take the meaning formulated by the OED, a nation is:

> An extensive aggregate of persons, so closely associated with one another by common descent, language, or history, as to form a distinct race or people, usually organized as a separate political state and occupying a definite territory. In early examples the racial idea is usually stronger than the political; in recent use the notion of political unity and independence is more prominent...a country...The whole people of a country, freq. in contrast to some smaller or narrower body within it [such as a community, clan, family or "tribe"].

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This would, in a number of important ways, seem to be the most accurate possible English-language depiction of the functional realities traditionally evidenced by American Indian societies. Indeed, almost as an afterthought, *Webster's* acknowledges that nation is a term which might be correctly applied to any "one of a group of Indian tribes; as, the Six *Nations*" (the reference being to the Haudenosaunee, or Iroquois Six Nations Confederacy, as it is called in English; emphasis in the original). The OED goes a bit further, observing that the word "nation" might best serve to supplant certain archaic or inappropriate terminology, like "Irish Clans" or "tribes of North American Indians," with a more satisfactory and fitting explanation of the social contexts involved.

In the real world, however, suggestions that Indians should actually be referred to as composing nations rather than tribes are often met with rather flippant (or vociferous) dismissal as being "rhetorical," "polemical" or, to borrow a catch phrase presently in vogue among reactionaries, "politically correct."[8] It is frequently asserted—usually by Euro-american academics, opinion-makers, and politicos having little or no knowledge of the subject matter—that attempting to apply "contemporary" concepts of nationhood to historical indigenous societies is an exercise in "revisionism," a *post hoc* effort to inject a form and dignity into native settings in which it was never really present.[9] A not inconsiderable number of Indian "leaders"—most often those anointed as such, not by their own peoples, but by the dominant society—have joined the chorus, claiming that utilizing "modern" terms like nation would serve to

negate much that is of value in the "tribal heritage," notably the forms of native social organization and the primacy of Indian perceptions of themselves as being "natural peoples."[10]

Such arguments are at best absurd. Taking the last point first, it should be noted—as the OED in fact notes—that the term "nation" derives directly from the root words "nature" and "nativity." So much for the alleged conflict between nationalism and naturalism. On the potentially deeper question that some real aspect of indigenous social identity would be lost if a supposedly topical construct like nationality were substituted for tribalism, the example of the Irish clans, posited by the OED as being analogous to American Indian tribes, is instructive. Indisputably, the Irish have, over the past several centuries, advanced an increasingly undeviating emphasis upon a sense of their entitlement to be perceived as a nation. Equally indisputably, they have predicated the articulation of their nationalism on an explicit retention of the kinship structures and other core dimensions of their own traditional ("primitive") social organization.[11] Neither the Irish nor anyone else finds a contradiction inherent to the Irish being, simultaneously, members of their respective clans and citizens of the Irish nation. There is no particular reason why things couldn't work in very much the same fashion for American Indians.

The idea that the concept of national identity is somehow too modern to be applicable to indigenous societies is itself a bizarre revision of historical fact. Even the most cursory reading of the literature of the European colonial period in North America

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reveals that the colonists and their respective governments understood very well that when dealing with indigenous peoples, they were dealing with other nations. The Spanish record in this connection is ambiguous, but is marked at least to some extent by the Dominican priest Bartolomé de Las Casas's early sixteenth century declaration that "no one may deny that these people are fully capable of governing themselves, and of living like men of good intelligence, and that they are more than others well ordered, sensible, prudent, and rational."[12] The French are known to have entered into a whole series of formal alliances with a large number of Algonkian-speaking peoples—the Montagnais, Micmacs, Etchemins, Hurons, Abenakis, and Algonquins among them—of the sort explicitly reserved for the realm of international affairs.[13] Regarding the brief extension of Dutch colonialism onto the continent, it has been observed that:

> [Colonists and Indians] lived apart physically as well as culturally. They treated each other as separate powers, equal in theory and practice. The Dutch came to America for trade and empire; in seeking these they dealt with the Indians as...political and military powers to be negotiated with, fought as enemies, or courted as allies. The expansion and prosperity—even the very existence of some of the colonies—demanded that these matters be given priority as long as the Indians clung to their independence and their freedom of action.[14]

The English Crown in particular, despite a concomitant and abundant usage of terms such as "tribes" and "savages" (or "salvages," as it was most

often spelled in those days) to describe Indians in popular literature, consistently referred to native peoples as constituting nations in their own right.[15] This was intended, not metaphorically, but in a precise and legalistic sense. Examples are legion, but citation of only a few—selected to demonstrate that this appreciation of indigenous national qualities was manifested in geographically diverse locales and over a long period—should serve to illustrate the point. In 1624, for instance, Plymouth colonist William Wood remarked that, among the native societies he encountered in Massachusetts, there were both laws and a relative absence of criminal conduct: "[A]s their evill courses come short of many other Nations, so they have not so many Lawes, though they are not without some."[16] Somewhat later, an anonymous chronicler of Indian/white relations in Maryland recorded native "ambassadors" seeking to school their English counterparts in "ye law of Nations."[17] "No people in the world," wrote English Superintendent for Southern Indian Affairs Edmund Atkin in 1754, "understand and pursue their true National Interest, better than the Indians."[18]

On the whole, England officially and repeatedly affirmed the genuinely national character of most of eastern North America's indigenous societies, forging a complex set of diplomatic relations with them which included numerous trade agreements and military alliances. Career diplomats were committed by the Crown to such purposes—Atkin in the south, for example, and Sir William Johnson in the north—their efforts consummating in a lengthy series of treaties between England and an array of American

Indian peoples. What is important to note in this connection is that the prevailing international custom and convention to which England was then bound held that treaties were instruments of understanding and agreement which could exist *only* between fully sovereign nations.[19] In other words, each treaty effected with Indians legally signified England's formal and unequivocal recognition that its native counterparts embodied the same attributes of nationality evidenced by England itself. As Atkin put it at the time, "[I]n their publick Treaties no People on earth are more open, explicit, and Direct [than Indian nations]. Nor are they excelled by any in the observance of them."[20]

After 1776, the newly-emergent United States followed the English example, conducting its relations with Indians on an explicitly nation-to-nation basis involving formal treaties and other accoutrements of international diplomacy.[21] Between 1778 and 1868, the federal government entered into more than 370 ratified treaties (and several hundred more which were never ratified), each of them conveying direct legal recognition by the United States that one or more indigenous peoples constituted nations in exactly "the same sense as any other."[22] Given that many of these international instruments entailed land cessions by the native peoples involved, and thus constitute the basic title to most of what the U.S. now claims as its own territority, the majority of the treaties remain in force at the present time despite the government's official suspension of treaty-making with Indians in 1871.[23]

Although it has become increasingly fashionable in some circles to insist U.S./Indian treaties never

"really" implied any genuine acknowledgement of the national status of the latter peoples, the statements of the federal government's most preeminent legal authorities at the time point to the exact opposite. As Chief Justice of the Supreme Court John Marshall observed in 1831 with regard to the Cherokees: "The numerous treaties made with them by the United States recognize them as a people capable of maintaining the relations of peace and war, of being responsible for their political character for any violation of their engagements, or for any aggression committed on the citizens of the United States, by any individual of their community....[Hence, the] acts of our government plainly recognize the Cherokee nation as a state, and the courts are bound by those acts."[24] More broadly, Attorney General William Wirt framed the matter in the following way in an opinion written in 1828:

> The point...once conceded, that the Indians are independent to the purpose of treating, their independence is, to that purpose, as absolute as that of any other nation. Nor can it be conceded that their independence as a nation is a limited independence. Like all other independent nations, they are governed solely by their own laws. Like all other independent nations, thye have the absolute power of war and peace. Like all other independent nations, their territory is inviolable by any other sovereignty....They treat, or refuse to treat, at their pleasure; and there is no human power that can rightfully control them in the exercise of their discretion in this respect. In their treaties, in all their contracts with regard to their property, they are as free, sovereign, and independent as any other nation.[25]

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This was by no means a transient or atypical viewpoint. A generation later, there was still no disagreement among U.S. policymakers as to whether treaty-making with Indian peoples entailed recognition of them as nations, especially among those opposed to the making of any further such treaties. As Indian Commissioner Ely S. Parker stated in 1869, "A treaty involves the idea of a compact between two or more sovereign powers,"[26] a matter which led Commissioner Edward P. Smith to conclude in 1873 that, "we have in theory over sixty-five independent nations within our borders, with whom we have entered into treaty relations as being sovereign peoples."[27] It was this recognition of Indians "as independent nations," and the nature of the rights they were entitled to assert on the basis of such recognition, that had already prompted Secretary of the Interior Caleb B. Smith to demand a "radical change in the mode" of future U.S. Indian policy.[28]

"Nits Make Lice"

That the popular European/Euroamerican discourse on American Indians—most of it government-sanctioned and quite a lot of it literally government-sponsored—continued to rely upon the vernacular of tribalism even while the governments themselves were evolving policies in which Indians were officially recognized as nations may seem entirely contradictory on its face. This apparent paradox can, however, be reconciled by the simple suggestion that the governments involved never intended to honor the commitments they were making to indigenous nations in the first place. It has

been demonstrated quite compellingly by Robert A. Williams and others that, far from displaying any real concern with the rights of native peoples, the colonizing powers were preoccupied mainly with the forging of a system of international law which would anchor their relationship *to one another* in such a way as to allow for maximally efficient global expansion.[29] Indians were merely convenient props, or a "laboratory" employed as a means to perfect the desired legal structure.

To the extent that there was a more direct utility to Europe's international diplomacy and treaty-making with Indians (accelerated after the revolution by the United States), it was mainly tactical, to gain certain advantages over them which would serve over the long run to minimize the costs incurred in their total dispossession and, often enough, outright obliteration.[30] In effect, native nations could be readily acknowledged as such because their national rights would, in the future, be extinguished via their physical liquidation (at least as early as 1830, federal statutes are known to contain clauses stipulating Indian lands would "revert" to the U.S. "if the Indians become extinct").[31] Once this end result had been attained by extralegal means, of course, the means themselves could be legitimated through denials that those liquidated had ever possessed bona fide national rights in the first place (the dead, after all, are in no position to debate the point). Eventually, even the process of liquidation itself could be denied, at least in terms of its magnitude and attendant implications. Small wonder that Adolf Hitler would later expressly base his own notions of diplo-

macy and foreign policy directly on the example offered by "the Nordics of North America."[32]

As a rule, it was the population-at-large—average colonists, "pioneers," and "settlers," not the formal apparatus of the various European states—which was expected to carry out the actual expropriation of native property and corresponding eradication of indigenous populations; the idea often being to make it appear that what was happening was a sort of irresistible "natural" process, something which continued to occur despite the best efforts and intentions of the European Crowns—and later the U.S. government—to display an appropriate *noblesse oblige* with regard to Indians.[33] In order for this to work in practice, it was imperative that the general citizenry of Europe be inculcated with a view of those to be exterminated (or enslaved *en masse*, or simply dispossessed) as something less than themselves, or, preferably, less than human.[34] To this purpose, the nomenclature of tribalism, with all its emphasis of the "animalism" of those thus classified, was ideally suited. The resulting rhetoric of dehumanization directed at indigenous peoples, juxtaposed as it was to a contemporaneous rhetoric of "civilization" by which Europeans were indoctrinated to view themselves as the world's inherently superior "race," quickly evinced a broad popular appeal.[35] In short order, it had become all-pervasive among the inhabitants of a subcontinental protuberance from the Asian landmass who were soon to demarcate themselves, with telling grandiloquence, as occupants of "The Continent."[36]

Thus, during the sixteenth century, the Spanish could lead the way to a new and highly enlightened

theory of international legality—all of it based directly in Spain's hypothetical relationship to the indigenous peoples it was encountering in the New World—secure in the absolute certainty that the colonists it was dispatching to America would violate the very same laws at every step.[37] To be sure, the Spaniards who established what the Crown came to call "New Spain" drew the obvious conclusions from their society's general designation of the natives as tribes, customarily referring to Indians as "beasts" and treating them as such.[38] In the Caribbean, this led from the outset to the unremitting horrors documented by Las Casas and the reduction of the regional indigenous population from as many as 14 million to extinction in barely a generation.[39] On the mainland, the story was much the same, although attrition there may have reached "only" into the ninetieth percentile in most cases; in central Mexico, for example, "the population fell by almost 95 percent within seventy-five years following the Europeans' first arrival—from more than 25,000,000 in 1519 to barely 1,300,000 in 1595."[40] In Peru, the drop was from as many as 14 million to about one-half million between 1520 and 1620.[41] And so it went, throughout "Latin" America.

The means and attitudes by which this was accomplished are supremely instructive: "To many of the conquerors, the Indian was merely another savage animal, and [so] dogs were trained to pursue and rip apart their human quarry with the same zest as they felt when hunting wild beasts."[42] In one instance, involving men under command of the celebrated "Discoverer of the Pacific," Vasco Núñez de

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Balboa:

> The Spaniards cut off the arm of one, the leg or hip of another, and from some their heads at one stroke, like butchers cutting up beef or mutton for market. Six hundred, including the cacique, were thus slain like brute beasts...Vasco ordered forty of them to be torn to pieces by dogs.[43]

Such scenes were the norm rather than the exception in Spanish practice, as historian David E. Stannard recounts:

> Just as the Spanish soldiers seem to have particularly enjoyed testing the sharpness of their yard-long rapiers on the bodies of Indian children, so their dogs seemed to find the soft bodies of infants especially tasty, and the accounts of the invading conquistadors and the padres who traveled with them are filled with detailed descriptions of young Indian children routinely taken from their parents and fed to the hungry animals. Men who could take pleasure in this sort of thing had little trouble with less sensitive things, such as the sacking and burning of entire cities and towns.[44]

Meanwhile, the English—who had already acquired considerable recent experience in dealing with "Tribes of Wild Irish," whom they correspondingly described as "unreasonable beasts"—began their invasion of North America.[45] Soon, colonial militias were "running amok," to quote one New Englander who was there, "killing...wounded men, women, and children indiscriminately, firing their camps, burning the Indians alive or dead in their huts [which were elsewhere likened to "kennels]."[46] Puritan leader Cotton Mather directly linked the lat-

ter activity to the cooking of meat, jubilantly referring to the burning of Indians as "a barbeque."[47] Just as in New Spain, "Hunting redskins became...a popular sport in New England, especially since...the personal danger to hunters was very slight."[48] It could be profitable, too, as a bounty was paid by local governments for Indian scalps until there were simply no Indians left to kill.[49] Like their Spanish counterparts, although perhaps to a lesser extent, the English also exhibited a penchant for feeding their "game" to dogs. Massachusetts colonist John Easton, for example, records how the capture of "a very decrepit and harmless [old] Indian" by Puritans precipitated a debate among them: "[S]ome would have had him devoured by dogs," wrote Easton, "but the tenderness of some of them prevailed to cut off his head."[50] In Virginia and Maryland, another writer described how, as a rule, "blood-Hounds were used to draw after" Indian quarry, and "Mastives to seaze them."[51]

By 1763, when Lord Jeffrey Amherst issued his infamous written order to "extirpate this execrable race" through consciously bacteriological means—thereby proving beyond all reasonable doubt that the devastation of native societies by disease was never so necessarily mysterious to or unintended by European colonists as their apologists would now like to pretend[52]—the indigenous peoples of North America's Atlantic Seaboard, once numbering as many as 2.2 million, had been reduced by approximately 99 percent.[53] While it may be that rank-and-file colonists had become so brainwashed by the incessant barrage of anti-Indian propaganda that they were unable to grasp what it was they'd done,

the same cannot be said of English officials: The Indians of the East, wrote one of them in a back-channel communication to the Crown, were now "so rowted, slayne and dispersed, that they are no longer a nation."[54]

After it successfully broke away from England, the new U.S. settler state not only perpetuated, but expanded and accelerated the process. Referring to Indians as "wolves"—"both being beasts of prey, tho' different in shape"—George Washington ordered in 1783 that those remaining within the areas of the initial thirteen states be "hunted like beasts," and that a "war of extermination" be waged against those barring U.S. access to certain desired areas, notably the Ohio River Valley.[55] Or, as Thomas Jefferson put it in 1812, Euroamericans should drive every Indian in its path "with the beasts of the forests into the stony mountains"; alternatively, as he'd already stated in 1807, the U.S. should "pursue [the Indians] into extermination, or drive them to new seats beyond our reach"; national policy should be to wage war against each native people it encountered "until that tribe is exterminated, or driven beyond the Mississippi."[56]

Over the next forty years, even as the federal government was acknowledging by treaty hundreds of times over that the peoples at issue were in fact nations of human beings, the "private" sentiments of Washington and Jefferson concerning the implications of their "tribal" nature were being worked out at a more popular level. Andrew Jackson, to take one notorious example, rode into the White House in 1828 on the breadth of public approval attending his standard characterization of Indians

as "wild dogs" and his frequent boasts that, in the manner of a trophy hunter, he had "on all occasions preserved the scalps" of the many native people he'd personally murdered.[57] Jackson was, of course, far more than an individual butcher; he was a grassroots Euroamerican leader who came by this status as the commander of large bodies of volunteer "Indian fighters":

> [He was the] same Andrew Jackson who had supervised the mutilation of 800 or so Creek Indian corpses—the bodies of men, women, and children that he and his men had massacred [at a place called Horseshoe Bend, in Alabama]—cutting off their noses to count and preserve a record of the dead, slicing long strips of flesh from their bodies to tan and turn into bridle reins. The same Andrew Jackson who—after his Presidency was over—still was recommending that American troops specifically seek out and systematically kill Indian women and children who were hiding: to do otherwise, he wrote, was equivalent to pursuing "a wolf in the hamocks without knowing first where her den and whelps are."[58]

By the 1850s, such phenomena had been consolidated into what analyst David Svaldi has termed an outright "rhetoric of extermination," a discourse in which Indians were not simply dehumanized as "beasts," "dogs," and "wolves" in the popular consciousness, but as "vermin."[59] Although such sensibilities were to be, and had been, concretized through an unrelenting series of wholesale massacres like that at Horseshoe Bend, nowhere was it better epitomized than in Colorado Territory. There, in 1863, a local newspaper, the *Rocky Mountain News*, launched an all-out campaign to create a cli-

mate in which the citizenry would undertake an unconstrained effort to "exterminate...the red devils," in this case Cheyennes and Arapahoes, whom editors of the *News* described as being "a dissolute, vagabondish, brutal, and ungrateful race" which should be "wiped from the face of the earth."[60] The paper then threw its enthusiastic support behind Colonel John Milton Chivington, a former Methodist minister who served as commander of the territory's volunteer militia.

> Several months earlier Chivington, who [by 1864] was also a candidate for Congress, had announced in a speech that his policy was to "kill and scalp all, little and big." "Nits make lice," he was fond of saying—indeed, the phrase became a rallying cry for his troops; since Indians were lice, their children were nits—and the only way to get rid of lice was to kill the nits as well. Clearly, Colonel Chivington was a man ahead of his time. It would take more than half a century, after all, before Heinrich Himmler would think to describe the extermination of another people as "the same thing as delousing."[61]

Chivington was, however, hardly alone. After he and some 750 of his men staged a surprise attack on a peaceful Cheyenne encampment on November 29, 1864—killing somewhere between 150 and 300 women and children who were there under ostensible government protection, and who had displayed a white flag of surrender when the militia approached—they mutilated the bodies, returned to Denver, and then conducted a triumphal march through the center of the city, proudly displaying "trophies" which included not only scalps, but whole

heads and genitalia.[62] The good citizens of Denver went wild with applause, while the *News* proclaimed the whole affair to have been "a brilliant feat of arms" and chuckled that "Cheyenne scalps are getting thick as toads in Egypt....Everybody has got one and is anxious to get another to send east."[63] Three separate congressional and military investigating committees, convened to affect the proper official posture of concern about the "excess" which had occurred in Colorado, condemned what had happened but somehow failed to recommend a single prosecution. President Theodore Roosevelt later went out of his way to rehabilitate Chivington's "honor"—the colonel himself having gone on to become a favorite on the after-dinner lecture circuit—by proclaiming the massacre to have been "as righteous and beneficial a deed as ever took place on the frontier."[64]

It is in this context that a favorite tidbit of Americana, General Phil Sheridan's 1869 observation that the "only good Indians I ever saw were dead," must be understood.[65] The reality bound up in the general's catchy phrasing was a near-insatiable popular bloodlust in which another army officer, Alfred Sully, ordered the skulls of Teton Lakotas mounted as decorations on his headquarters wall;[66] where scalp bounties paid better than buffalo hides for "enterprising citizens" in Texas and the Dakotas until the 1880s;[67] where the entire Navajo Nation was interned in a concentration camp at the Bosque Redondo in New Mexico in 1864, until, after four years and the death of half their number by starvation and disease, they were finally released;[68] where, for "sport," the "early set-

tlers and miners" in California drove the state's Indian population (which had once been over a million) downward from 100,000 in 1849 to fewer than 35,000 in 1860, and finally to a nadir of barely 15,000 in the 1890s.[69]

Even after the last great massacre—the Seventh Cavalry's slaughter of about 300 unarmed Minneconjou Lakotas at Wounded Knee in 1890—the popular sentiments demanding total extermination persisted.[70] The *Aberdeen Saturday Pioneer* in South Dakota, to take but one example, recommended in the aftermath of Wounded Knee that "we had better, in order to protect our civilization, follow it up...and wipe these untamed and untamable creatures from the face of the earth."[71] The editor, L. Frank Baum, later to win acclaim as the "kind and decent soul" who authored the *Wizard of Oz*, went on to explain that:

> [Indians are merely] a pack of whining curs who lick the hand that smites them. The Whites, by law of conquest, by justice of civilization, are masters of the American continent, and the best safety of the frontier settlements will be secured by the total annihilation of the few remaining Indians. Why not annihilation?...[B]etter they should die than live as the miserable wretches that they are.[72]

In sum, there can be no question but that the sort of dehumanizing implications of Europe's imposing the mantle of tribalism upon indigenous peoples through popular discourse has contributed greatly to the kind and extent of ill-treatment, often quite literally genocidal, we have suffered since our fifteenth-century "discovery" by Europeans. While it

is true that the most overt pattern of behavior by which this was expressed is primarily historical, at least in North America,[73] there is no shortage of indication that certain effects continue to linger: witness the sign on the door of a bar in Scenic, South Dakota—removed only during the late 1980s—which read "No Dogs or Indians Allowed." More importantly, the evidence is overwhelming that much of what was worst in the historical interactions between Europeans/Euroamericans and Indians is being continued in more covert fashion, as a matter of official policy, and under the time-tested rubric of indigenous tribalism.

The Great Revision

For a considerable period, for reasons already mentioned, it was to the advantage of the federal government to maintain its formal relations with indigenous peoples on a reasonably strict international basis, even while allowing (or encouraging) U.S. citizens to exercise a presumed "right" of exterminating the "wild beasts" composing native populations. During this phase of U.S.-Indian relations, the normative legal phraseology defining the status of Indians was as nations, or, at worst, as "nations and tribes." By 1870, however, the need for this tactical excursion into accuracy had largely passed, the military capacity of Indians to defend their lands and rights—and therefore their ability to block what the United States had long since proclaimed as its "Manifest Destiny" to own their territory in its entirety—having been eroded to the point of disappearance.[74] Taking such factors into account, the government commenced an "enlightened" shift from

physical to cultural genocide, advancing a policy of "assimilating" (literally, of "digesting") the native survivors of some forty officially acknowledged "Indian Wars" and an uninterrupted sequence of "individual affairs" or "private citizen actions" which had occurred since 1775.[75]

It was at this point that an effort to reconcile official terminology with the semantics of the general public began to emerge, the word "tribe" completely displacing the word "nation" in the legal discourse leading to congressional termination of treaty-making with Indians in 1871. For instance, the sixth section of an act passed on March 29, 1867, pointedly stipulates that: "[A]ll the laws allowing the President, the Secretary of the Interior, or the commissioner of Indian Affairs to enter into treaties with Indian *tribes* are hereby repealed, and no expense shall hereafter be incurred in negotiating a treaty with any Indian *tribe* until an appropriation authorizing such expense shall first be made by law" (emphasis added).[76] Although it was argued at the time that the suspension of treaty-making would not alter the binding effect of existing treaties—a matter presumably including the bilateral recognition of national status embodied in such instruments—events were to quickly disprove such contentions.

Probably the first firm sign of what was to come appeared in the second section of an act passed on March 3, 1883, through which Congress assigned itself authority to impound the "proceeds of all pasturage and sales of timber, coal, or other product of any Indian reservation...not the result of the labor of any member of such *tribe*" (emphasis added) for

purposes of allowing the Secretary of the Interior to administer these resources "in trust."[77] This was clearly *not* a prerogative lawfully enjoyed by the federal government with regard to the assets of any other *nation*, but might be considered to be so with regard to lesser entities, particularly the sort of "primitive" and "childlike" condition legally associated with even the most charitable interpretation of "tribalism."[78] With this groundwork laid, Congress moved swiftly, in 1885, to extend its own jurisdiction over the residual territories of all American Indian peoples within its borders,[79] and, in 1887, to rearrange land tenure patterns within the reservations to suit itself.[80] This last set in motion a process culminating in the Indian Citizenship Act of 1924, under provision of which the distinction between national and tribal status was drawn very plainly: Indians were accorded the "privilege" of retaining *membership* in their respective tribes while being recast as *citizens* of the United States.[81]

In this context, following from John Marshall's 1831 pronouncement in *Cherokee v. Georgia* that Indian peoples, while being nations, were "nations of a peculiar type" both "domestic" to and "dependent" upon the United States, the Supreme Court decided that, practically speaking, they should not be treated as nations at all.[82] The high court held, in the 1903 case of *Lonewolf v. Hitchcock*, that, since Indians had been forced into a position of domesticity and dependence vis-à-vis the U.S., the federal government was entitled to exercise "plenary" (full and absolute) power over their property and their affairs. The U.S./Indian relationship was framed, not in terms in any way resembling the

nation-to-nation arrangement acknowledged by the Marshall Court, but as that of a "guardian" to a "ward" (usually a child or mental incompetent). Tellingly, the word "nation" is not used with regard to Indians anywhere in the *Lonewolf* opinion. Instead, the terms "tribe," "tribes," and "tribal" are used exclusively, appearing even as substitutes for "nation," "nations," "national" in paraphrases of Marshall's original language.[83]

By the 1950s, continuation of this legalistic and unilateral demotion of indigenous peoples from national to tribal status had resulted in their having been subsumed, not only under the jurisdiction of the federal government, but often that of individual states of the union as well (by now, many have been pushed even lower, placed under the jurisdiction of counties and, in at least some cases, under that of municipalities as well).[84] During the same period, the Supreme Court quietly completed the process of voiding the original legal foundation upon which Indians had been recognized as constituting nations. This took the form, in the 1955 *Tee-Hit-Ton v. United States* case, of the assertion that, since the "tribal" plaintiffs could point to no document by which the U.S. had conveyed land title to them, they could not be said to own—or to *ever* have owned—any land.[85] The opinion completely inverted elements of international law, in effect since Vitoria's mid-sixteenth-century codification of Discovery Doctrine, holding that land title was *always* to be considered as vested in the indigenous nations who were found in occupancy ("ownership") of it until such time as they themselves willingly conveyed title to "discovering" powers like the United States.[86]

The position of the high court in the *Tee-Hit-Ton* case exemplifies a trend in U.S. juridical practice—that of simply ignoring inconvenient historico-legal facts or of actively distorting them into conformity with the notion that Indians had "always been" seen as tribes, never as nations—which became fully congealed during the second half of the twentieth century. Thus, Chief Justice William Rehnquist, writing for the majority of the Supreme Court in 1978, would peremptorily disregard a mass of evidence to the contrary in order to rule that "Indian tribes do not have inherent jurisdiction to try and punish non-Indians" committing criminal offenses within reservation boundaries. Judicial acknowledgement that Indians held any such right, the Chief Justice argued, would be "*inconsistent with their status*" (emphasis in the original) as tribes rather than nations, and had therefore *never* been recognized by the United States.[87] This contention was quite literally false, as Rehnquist had every reason to know. Not only are there numerous instances in which U.S. citizens were required to obtain passports before traveling "abroad" in Indian Country,[88] but even the standard federal handbook on Indian law points out that:

> Treaties defined the boundaries between the United States, or the separate states, and the territories of the various Indian tribes or nations. Within these territories the Indian...nations had not only full jurisdiction over their own citizens, but the same jurisdiction over citizens of the United States that any other power might lawfully exercise over emigrants from the United States. Treaties between the United States and the various [native peoples] commonly stipulated that cit-

> izens of the United States within the territory of the Indian nations were to be subject to the laws of those nations.[89]

Such judicial revision of the record to conform to the topical requirements of Euroamerican hegemony dovetails quite neatly with similar techniques applied by European/Euroamerican "scholars" and officials from very early on. The Spanish, for example, attempted to dismiss Las Casas's and other chronicles of their genocide of native peoples as a "Black Legend."[90] The English proved themselves even more heavy-handed in their efforts to deny what they had done (and, by extension, what they were continuing to do). After the extermination of the Pequots in 1637, for instance:

> The word "Pequot" was...removed from English maps: the river of that name was changed to the Thames and the town of that name became New London. Having virtually eradicated an entire people, it was now necessary to expunge from historical memory any recollection of their past existence.[91]

In the United States, as Francis Jennings and others have shown, techniques employed for similar purposes have been more incremental and sophisticated, centering as a matter of first priority on manipulation of information concerning indigenous population size. Discussing the "groundbreaking" work on the matter of historical indigenous demography undertaken by anthropologist James M. Mooney during the early twentieth century, Jennings observes that:

> A hint of Mooney's method appears in the esti-

> mates of New England. Mooney wrote that "the original population of New England was probably about 25,000 or about one-half of what the historian [John Gorham] Palfrey makes it." Apparently Mooney had followed the tradition of Palfrey's own acceptance; that is, he took the estimate of a predecessor and discounted it. The same sort of procedure had been used by every generation of scholars since the original data were recorded in the seventeenth century, and by Mooney's time discount upon discount had reduced the accepted figures to a small fraction of what was mentioned in the sources. It is as if one were to estimate the population of white Americans in 1790 by successive slashes of the census data of that year on the grounds that the census takers were probably exaggerating their numbers for undisclosed reasons....It appears that Mooney applied the same sort of logic to his estimates for all of North America, [making] his total 1,100,000.[92]

Given the acceptance of such procedures at the "highest levels" of American scholarship, it is unsurprising that the "Dean of American Anthropology," Alfred Louis Kroeber, would then take Mooney's estimates, unexamined other than to "convert them into [his] own tribal classifications," and then arbitrarily slash them by ten percent across the board, giving the U.S. a quasi-official estimate that the pre-invasion population of Native North America was not more than a million persons.[93] Not only has this figure served to conceal the magnitude of native population attrition which actually occurred—a matter apprehended by contrasting the pre-invasion number to the number of survivors (237,196) recorded by the U.S. Census Bureau in 1900[94]—

but, as Henry Dobyns has noted, it has dramatically distorted resulting contemporary "interpretations of New World civilizations and cultures."[95] Conversely, as Jennings points out, the "idea that scholars hold of New World cultures directly affects their interpretation of the size of aboriginal populations."[96]

> Proponents of the concept of savagery stipulate, among other things, that large populations are impossible in savage ["tribal"] societies. It follows that if aboriginal populations can be shown to have been large, they could not have been savage. A logical approach may thus be made into the whole question of the nature of aboriginal society and culture through the gate of numbers.[97]

Kroeber himself was astonishingly open in this regard, insofar as his explanation of the sparsity of indigenous population he alleged to have existed in North America prior to the invasion was directly predicated in a virulently articulated presumption of Indian tribalism and savagery. Native societies, he asserted, were characterized by "insane, unending, continuously attritional warfare...[in] the absence of all effective political organization, of the idea of the state."[98] From this, he extrapolated the orthodoxy—repeated endlessly in U.S. "educational" texts down to the present moment—that "prehistoric" Indians experienced an essentially "squalid" existence, "wandering perpetually and nomadically" across the landscape as they pursued a "Stone Age hunting and gathering subsistence," a mode of living devoid of anything resembling true cultural attainment, formation of knowledge, or other accomplishments commonly attributed to human endeavor.[99] By the 1980s, such thinking had progressed to the point

that "responsible" anthropologists were suggesting that North America's native people had once survived, in part, by consuming their own dung.[100]

That this all-pervasive depiction of Native North America is utterly untrue—aggregate American Indian population north of the Río Grande was actually at least nine million in 1492, and more likely somewhere between 12.5 and 18.5 million, with all the manifestations of advanced civilization such numbers entail—is precisely the point.[101] Euroamerican scholarship's conscientious and "scientific" falsification of precolumbian material and cultural realities over the past hundred years conforms exactly to the requirements of the revised U.S. juridico-political posture vis-à-vis native peoples which has been articulated during the same period. The result is a deliberately contrived contemporary confluence of popular and official mythologies about American Indians, both of them casting the continent's indigenous societies as having been—and therefore as *being*— something we aren't, never were, and in fact could never have been or be.

Unmistakably, the result intended to be fostered through creation of this interlocking and rather Olympian complex of lies, half-truths, and misleading innuendos is the consecration as universal truth of an even greater myth: that no matter how "tragic" or "unfortunate" the carefully minimized costs incurred by Indians in the process of being "subdued," things have "worked out for the best" in the end. This is the case, so the story goes, not only for the victors but also for the vanquished, whose descendants continue to benefit from their ancestors having been propelled, however "reluc-

tantly" and by whatever means, from their own "condition of primitive tribalism" into the "modern age" (as if, left to our own devices, we might somehow have existed, and would go on existing, in another temporal dimension).[102] Hence, not only does Euroamerican society have nothing whatsoever to regret in its enjoyment of spoils deriving from its wantonly genocidal and duplicitous historical behavior—most of which it now feels free to equivocate or deny outright—it is entitled in its own mind to expect those who suffered that behavior to embrace their own consequent subordination and destitution as a symbol of their "gratitude" for what has been done. No more seamless ideological or psychic self-ratification of an imperial status quo is imaginable.[103]

The Language of Liberation

Predictably, even with all this explained, there will be those who will still seek to argue that the points raised, though "interesting" in some respects, are merely an academic and perhaps arcane preoccupation, but certainly not adding up to the sort of issue which displays abiding significance to the real life struggles of American Indians today. Some will obfuscate, insisting that at base questions of terminology reduce to no more than matters of opinion, that things may never have really meant what they seem to mean, and that there is therefore no cause for serious concern. Others will respond that, while what is said above may be objectively true, they have taken as their mission the "redemption" of terms like "tribe" and "tribalism," devoting themselves to "restoring" meanings to the words which

were never there in the first place. Still others will stipulate that, true or not, they couldn't care less; the dominant society is at liberty to call them most anything it likes, so long as it provides them "something tangible" in exchange (usually meaning a minor share of the loot deriving from the existing order), thereby "proving" that no harm is intended.

Those inclined to such positions would do well to wonder why, if the vernacular by which indigenous societies are described is essentially inconsequential or irrelevant, representatives of the United States and Canada have spent the past decade adamantly opposing Indians being addressed as "peoples"—they have insisted, emphatically, that we be defined instead *only* as "populations" and/or "tribal" or "ethnic" groups—in the draft of an international legal instrument designed to extend specific United Nations human rights protections over us for the first time.[104] The answer is that the governments of these countries understand quite well, though some of us may not (or do not wish to admit), that there is an umbilical connection between the description imposed upon any group and how it is treated, between the label a group can be convinced to accept as appropriate to itself and the treatment it is ultimately entitled to demand.[105] This is neither an "abstraction" nor "past history."

In contemporary international law, custom, and convention, ethnic population groups—often referred to as "ethnicities" or "racial minorities" (of which "tribes" are but a specifically inferior classification)—have been formally construed as subparts of nations, an internal or "domestic" concern of those countries in which they happen to be situat-

ed.[106] Within a fairly well articulated set of parameters, their needs and interests can be, and usually are, legally ("legitimately") subordinated to the "greater good" or "wider interests" of the national entities into which they are incorporated.[107] The menu of their rights is thus very much constricted to falling within whatever they can persuade those who most directly dominate them to acknowledge as appropriate to their structurally subordinated circumstances. Beyond this, they have little legal or political recourse in attempting to improve the conditions under which they live. *Peoples*, on the other hand, are recognized in international law as possessing inherent rights of "self-determination."[108]

> The subjection of *peoples* to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to world peace and co-operation....All *peoples* have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development [emphasis added].[109]

It follows that peoples hold a legal right to decide for themselves the nature of their relationships to other entities, such as the larger nations into which they would be arbitrarily lumped if they were relegated to the status of ethnic or racial minority populations.[110] Peoples may decide, for instance, to become (or remain) part of a larger nation, giving up, retaining, or regaining some bilaterally negotiated set of rights in the process. Or they may opt, again on the basis of a bilaterally negotiated arrangement, to enter into some "limited autonomy"

relationship—"home rule," for example, or a form of "commonwealth" relations—with a larger nation.[111] Or they may elect to (re)assert complete *national* independence in their own right, either alone or as part of some wholly new amalgam (a confederation, say, or some other kind of synthesis) of peoples.[112]

> All states shall respect the right of self-determination and independence of *peoples and nations*, to be freely exercised without any foreign pressure, and with absolute respect for human rights and fundamental freedoms.[113]

Undeniably, then, the word choices involved in describing native peoples—how we describe *ourselves*, first and foremost—hold a contemporary significance in ways which go well beyond considerations of mere gestural insult or esteem (although these, too, are certainly important). The sorts of concrete rights and options attaching themselves to groups officially acknowledged as being peoples is today, as has *always* been the case, far greater than those accorded groups designated as ethnic/racial populations.[114] And, as always, official terminology itself is subject to reflecting conceptions bound up in the popular vernacular, our own included, which is in turn informed by a discourse purporting to embody more academic or "scholarly" attributes. As the Indian Law Resource Center has noted: "History suggests that those who maintain and assert their self-government, their freedom from outside domination, and their own economic, social and cultural development are most likely to eventually gain [or regain] international recognition as peoples who have the right to self-determination, regardless of formal rules" deriving from a history of conquest or

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colonization.[115] In other words, all is not lost; we retain the capacity to alter the outcomes of what it is that has been done to us up to this point.

But, if we are once again to be treated as peoples, or as nations, we must begin once again to conduct ourselves accordingly. And, if we are to comport ourselves as nations, we can only begin by seeing and referring to ourselves as such. It is not something which will be done for us, most assuredly not by those who have expended generations upon generations' worth of time and energy converting us into what we are in order that they might preside over what was and is ours. We ourselves must seize the initiative, taking the lead in our revitalization, fostering the general understanding that we constitute living nations of people, rectifying an "academic record" which miscasts us as anything less, and thus eventually compelling restoration of official recognition that we are who and what we say we are. From there, we acquire the tools necessary to reclaim not only our own rights, but the rights of our posterity.

The supplanting of one word, or set of words, with another may seem too small a matter to lead to such results. In and of itself this is no doubt true. But, in and of itself, it is a point of departure which is indispensable, a vital break in the carefully constructed web of "false consciousness" within which we have become trapped, a web of illusion which has increasingly prevented our knowledge of ourselves, which has led us inexorably from where we once were to where it is we now find ourselves, which denies us even the possibility of regaining the dignity we formerly enjoyed. As it has been put else-

where, "the breaching of false consciousness can provide the Archimedien point for a more comprehensive emancipation—on an infinitely small space to be sure, but the chance for change depends upon the widening of such small spaces."[116]

In effect, by naming ourselves, we name our destiny. The choice is simple enough: we either internalize once and for all the language of our oppression, adopting as both our heritage and our future the dominant society's self-serving invention of us as tribes rather than nations, *or* we can pursue a language of liberation, one which preserves and (re)asserts our ancestors' conception, not just of who we were, but of who we are (or should be) at the present moment and who we can become in the years ahead. As tribes, we have no practical alternative to watching helplessly as what little is left of our lands and lives is drained off with leech-like efficiency by the settler population which has established itself upon us, deluding us in our weakened condition into believing against all appearances that we have somehow now become and will forever be an integral part of itself. As peoples, and *only* as peoples wielding internationally acknowledged rights to restore our fully national existences if and to the extent we so desire, we place ourselves in a position to excise the parasite which not only consumes our lifeblood, but which can be expected to go right on consuming it until we die out altogether. Seen clearly, the "choice" is no choice at all. Rather, an imperative is at hand.

Next time, then, instead of inquiring after the fashion of our oppressors as to someone's "tribe," ask instead, "Who are your people?" or "You are

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part of which people?" Better yet, and perhaps less awkwardly, make it simply, "What's your nation?" Insist that others making such queries do so in the same accurate, appropriate, and respectful manner. Object, and *keep on* objecting, *any* time you hear or see "Indians" and "tribes" juxtaposed as if there were a natural and necessary correspondence between the two. Don't quit, don't back down. We are *not* beasts or lice, congregated into packs or swarms or tribes. We have suffered much, far *too* much, and for far too *long*, as the result of such verbiage and the attitudes it reveals. The long road to liberation—which is to say, the route back to ourselves—begins right there, in our rejection of such naming. And it's long past time we started the journey.

Notes

1. *The Compact Edition of the Oxford English Dictionary* (London/New York: Oxford University Press, 1985). Although the initial meaning of "tribe" pertained to the original three groups of Romans, and later to the Hebrew clans of ancient Israel, by the time it began to be applied to indigenous peoples outside the flow of European history it was beginning to be applied to the "animal kingdom" as well. The relationship between these last two applications in the European mind is thus quite clear.
2. I've used the dictionaries immediately before me on my desk for purposes of this essay. This includes my trusty Webster's dictionary, given to me by my grandfather while I was in high school; *Webster's New Collegiate Dictionary* (Springfield, MA: G.&C. Merriam Co., Publisher, 1949). It was suggested that I cross-reference the "old" definitions obtained therein with those in newer iterations of the same dictio-

nary, to see whether there have been changes. There have, insofar as the language has been rendered in a more "technical" (sterile) manner. As concerns "tribe," *Webster's Ninth New Collegiate Dictionary* (Springfield, MA: Merriam-Webster, Inc., 1983) now phrases the relevant portion of its definition as follows: "a category of taxonomic classification sometimes equivalent to or ranking below a subfamily; *also*: a natural group irrespective of taxonomic rank." Despite the smoke and mirrors, the word continues to carry the connotations I attribute to it.

3. In essence, what is at issue is a direct continuation of the sort of claptrap comprising the core of nineteenth century American "scientific" racism exemplified in Samuel George Morton's *Crania Americana; or, A Comparative View of the Skulls of Various Aboriginal Nations of North and South America, to which is Prefixed an Essay on The Varieties of the Human Species* (Philadelphia: John Pennington Publisher, 1839); for an excellent overview, see William Stanton, *The Leopard's Spots: Scientific Attitudes toward Race in America, 1815-59* (Chicago: University of Chicago Press, 1960). It is well to note, as Stanton does not, that this body of work had a significant influence upon the formation of the subsequent racial perspectives of nazism; see Robert Cecil, *The Myth of the Master Race: Alfred Rosenberg and Nazi Ideology* (New York: Dodd, Mead & Co., 1972).

4. The preoccupation is actually a matter of U.S. policy implementation; a system of identifying Indians in accordance with a formal eugenics code dubbed "blood quantum" which is still in effect at the present time. For analysis of the effects of this, see M. Annette Jaimes, "Federal Indian Identification Policy: A Usurpation of Indigenous Sovereignty in North America," in M. Annette Jaimes, ed., *The State of*

Native America: Genocide, Colonization, and Resistance (Boston: South End Press, 1992, pp. 123-38).

5. See Gary Nash, *Red, White and Black: The Peoples of Early America* (Englewood Cliffs, NJ: Prentice-Hall Publishers, 1974). Also see Jack D. Forbes, *Black Africans and Native Americans: Color, Race and Caste in the Evolution of Red-Black Peoples* (Oxford: Basil Blackwell Publishers, 1988).
6. Arguably, this is a crucial dimension of all colonial contexts. A particularly lucid psychological explanation is offered in Albert Memmi, *The Colonizer and the Colonized* (Boston: Beacon Press, 1965). Also see Frantz Fanon, *The Wretched of the Earth* (New York: Grove Press, 1965).
7. Such conceptual masquerades seem to be an integral aspect of the ideology of domination. For analysis, see J.G. Merquior, *The Veil and the Mask: Essays on Culture and Ideology* (London: Routledge & Kegan Paul Publishers, 1979).
8. See, for example, Donald A. Grinde's analysis in his newly revised and expanded edition of *The Iroquois and the Founding of the American Nation* (Niwot: University Press of Colorado, forthcoming) of the controversy attending his contention, corroborated by John Adams and other "Founding Fathers" in their own handwriting, that the form of governance exhibited by the Iroquois Six Nations Confederacy influenced the drafting of the U.S. Constitution and consequent establishment of the American republic.
9. A prime example of each category will be found in James A. Clifton, ed., *The Invented Indian: Cultural Fictions and Government Policies* (New Brunswick, NJ: Transaction Books, 1990); see especially, Allan van Gestel, "When Fictions Take Hostages," pp. 291-312.
10. Most of the books produced by the late Vincent

LaDuke (also known as "Sun Bear") would fill the bill in this regard, as would the articulations of various "shamans" approved by the Euroamerican "New Age" movement.

11. For an interesting assessment of these dynamics, see Ciarán de Baróid, *Ballymurphy and the Irish War* (London: Pluto Press, 1989).
12. Quoted in Lewis Hanke, "The Dawn of Conscience in America: Spanish Experiments and Experiences with Indians in the New World," *American Philosophical Society Proceedings*, No. 107, 1963, p. 90. For elaboration of the legal implications of Las Casas's position, see James Brown Scott, *The Spanish Origins of International Law* (Oxford: Clarendon Press, 1934).
13. Mason Wade, "The French and the Indians," in Howard Peckham and Charles Gibson, eds., *Attitudes of the Colonial Powers toward the American Indian* (Salt Lake City: University of Utah Press, 1969, pp. 61-80). Wade observes on page 71 that, by 1622, "an ever increasing amount" of the time of Samuel de Champlain, Governor of Nouvelle France (as the French New World colony was called), was consumed by "Indian diplomacy," and that in that year he negotiated on behalf of his Crown a formal treaty—an incontrovertibly international instrument—with what he termed "ambassadors" of the Iroquois Confederacy.
14. Allen W. Trelease, "Dutch Treatment of the Indian, with Particular Reference to New Netherland," in Peckham and Gibson, *op. cit.*, p. 51.
15. K. Knorr, *British Colonial Theories, 1570-1850* (Cambridge, MA: Cambridge University Press, 1944).
16. William Wood, *New England's Prospect* (London, 1624, p. 80).
17. Anonymous, *A Relation to Maryland* (London, 1635, p. 43).
18. Quoted in Wilbur R. Jacobs, *The Appalachian Indian*

Frontier: The Edmund Atkin Report and the Plan of 1755 (Lincoln: University of Nebraska Press, 1967, p. 38).

19. Alden T. Vaughn, *Early American Indian Documents: Treaties and Laws, 1607-1789* (Washington, D.C.: University Publications of America, 1979).
20. Quoted in Jacobs, *op. cit.*, p. 38.
21. The United States became the first country to commit to black letter law the relevant international customs pertaining to the making of treaties. Article I, Section 10 of the U.S. Constitution follows Article IX of the Articles of Confederation in reserving treaty-making prerogatives to the federal government exclusively, and then only with other fully sovereign national entities. The Articles of Confederation make specific reference to American Indian relations in this regard.
22. The phrasing comes from Attorney General William Wirt, Opinion of the Attorney General 110 (1828). Texts of 371 of the ratified treaties appear verbatim in Charles J. Kappler, *Indian Treaties, 1778-1883* (New York: Interland Publishers, 1973). Lakota scholar Vine Deloria, Jr., in conducting an as yet unfinished treaty study of his own, has uncovered the texts of a further eight ratified treaties which are not included in Kappler, and has compiled the texts of approximately 400 unratified treaties upon which the United States predicates portions of presumed land title.
23. To abrogate the treaties out-of-hand would have served—and would still serve—to void most U.S. land title in North America. The Act of March 3, 1871 (16 Stat. L. 566), by which U.S. treaty-making with Indians was ended, was therefore very carefully worded: "*Provided*, That hereafter no Indian nation or tribe within the territory of the United States shall be recognized as an independent nation, tribe, or power

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with whom the United States may contract by treaty; *Provided further*, That nothing herein contained shall be construed to invalidate or impair the obligation of any treaty heretofore lawfully made and ratified with any Indian nation or tribe." The best intentions of its framers to play both ends against the middle notwithstanding, the statute obviously adds up to a juridical contradiction of the first order: one of the primary obligations lawfully incurred by—indeed, constitutionally required of—the government in ratifying its many treaties with Indians was/is to recognize them as *precisely* the sort of independent entities with which it could continue to treat. There is simply no legal basis for one nation, having recognized the sovereignty of another, to arbitrarily and unilaterally "unrecognize" it, even if it no longer wishes to enter into new treaties with it.

24. *Cherokee Nation v. Georgia*, 30 U.S. (5 Pet.)1, 16 (1831). See Chapter 14, sec. 3
25. Opinion of the Attorney General 110 (Washington, D.C.: U.S. Department of Justice, 1828).
26. *Report of the Commissioner of Indian Affairs* (Washington, D.C.: U.S. Department of Interior, 1869, p. 6).
27. *Report of the Commissioner of Indian Affairs* (Washington, D.C.: U.S. Department of Interior, 1873, p. 3).
28. "Extract from the Report of the Secretary of Interior," in *Report of the Commissioner of Indian Affairs* (Washington, D.C.: U.S. Department of Interior, 1862, p. 7).
29. Robert A. Williams, Jr., *The American Indian in Western Legal Thought: The Discourses of Conquest* (London/New York: Oxford University Press, 1990).
30. We have this in so many words. During the early 1600s, the Council of Virginia advised its diplomats to enter into treaty relations with Indians so that,

when the natives grew "secure upon the treatie, we shall have the better Advantage both to surprise them, & cutt down their Corne"; quoted in George Percy, "A Trewe Relacyon of the Procedeings and Occurrentes of Momente which have hapned in Virginia," *Tyler's Quarterly Historical and Genealogical Magazine*, No. 3, 1922, pp. 272-3. Overall, see Dorothy V. Jones, *License for Empire: Colonialism by Treaty in Early America* (Chicago: University of Chicago Press, 1982).

31. Act of May 28, 1830 ("Indian Removal Act"), 4 Stat. 411, Sec. 3.

32. "Neither Spain nor Britain should be models of German expansion, but the Nordics of North America, who had ruthlessly pushed aside an inferior race to win for themselves soil and territory for the future"; Norman Rich, *Hitler's War Aims: Ideology, the Nazi State, and the Course of Expansion* (New York: W.W. Norton Publisher, 1973, p. 8). For Hitler's own statements in this regard, see his *Mein Kampf* (Boston: Houghton Mifflin Publishers, 1971, pp. 403, 591); and *Hitler's Secret Book* (New York: Grove Press, 1961, pp. 44-8). Also see the memorandum prepared by Hitler's adjutant, Colonel Friedrich Hossbach, summarizing the contents of a so-called Führer Conference conducted on November 5, 1937; International Military Tribunal, *Trial of the Major War Criminals before the International Military Tribunal: Proceedings and Documents*, Vol. 25, 386-PS (Nuremberg: Office of the International Military Tribunal, 1947-1949, pp. 402-13).

33. A classic example of this sort of duplicity occurred in 1875 when President Ulysses S. Grant secretly instructed his military commanders not to meet the army's legal obligation, incurred under the 1868 Fort Laramie Treaty, to prevent U.S. citizens from trespassing in the territory of the Lakota Nation (the

trespassing itself having been fostered by false but widely publicized reports, written under pseudonyms by George Armstrong Custer and other officers, that an illegal army expedition into the Lakota homeland in 1874 had turned up evidence of major gold deposits therein). The resulting presence of large numbers of U.S. citizens in Lakota country by 1876, and an alleged "need to protect their safety," was then used as a pretext by which the Grant administration could claim to be "compelled" to wage a war of conquest against the Indians. On Grant's order and related maneuvering, see the report by E.T. Watkins listed as Executive Document 184 (Washington, D.C.: 44th Cong., 1st Sess., 1876, pp. 8-9). Overall, see John E. Gray, *The Centennial Campaign: The Sioux Wars of 1876* (Norman: University of Oklahoma Press, 1988).

34. A good case can be made that such sentiments, at least insofar as they were cast along racial lines, were a new thing, coming into being only at the point—*circa* 1450-1500—that Europe was consolidating its notion of itself as a distinct cultural/geographic entity, and discovering that it possessed the capacity, potentially at least, of expanding outward at the expense of other peoples. An interesting examination of this thesis may be found in Ronald Sanders, *Lost Tribes and Promised Lands: The Origins of American Racism* (New York: Harper Perennial Publishers, 1992). A somewhat obtuse, but nonetheless useful analysis of the same ideas is offered by Steven Greenblatt in his *Marvelous Possessions: The Wonder of the New World* (Chicago: University of Chicago Press, 1991).

35. To be fair, the same dynamic had been developed earlier, by the Holy Roman Empire (based in Aachen), for use in creating Europe itself. Here, the Church cast itself as the vessel of "Christian

Civilization," a self-assigned status of superiority contrasted to a host of "evil" and inferior "pagan tribes" (the Celts, for example) which occupied the "periphery" of the subcontinent. On this basis, the zealousness of the Christian faithful was channeled into a centuries-long process of conquest, colonization, extermination, and expulsion which resulted in the incorporation of the bulk of the geography of what is now called Europe into a more-or-less culturally cohesive synthesis dubbed "Western Civilization." A very succinct and useful account of this history will be found in the opening chapters of Rodger Cunningham's *Apples on the Flood: The Southern Mountain Experience* (Knoxville: University of Tennessee Press, 1987).

36. It should be noted for the record that Europe is no more a continent than is the subcontinent of India. Arguments that the Volga River and/or the Ural Mountains, located well into the Asian mainland proper, provide a sort of "natural line of demarcation" between Europe and Asia may be seen as the ridiculously flimsy assertions that they are when one considers the much more formidable Himalayan Mountains separating India from the rest of Asia. Nor can the cultures of Europe be more readily distinguished from those of the portion of central Asia it adjoins than can those of India. For further information, see Kenneth C. Davis, *Don't Know Much About Geography: Everything You Need to Know About the World but Never Learned* (New York: William Morrow & Co., 1992, p. 129).

37. Spanish jurists such as Franciscus de Vitoria and Matías de Paz turned out to be excellent formulators of human rights doctrine, as the Laws of Burgos readily attest; see Leslie Byrd Simpson, ed., *The Laws of Burgos, 1512-1513* (Berkeley: University of California Press, 1960). But, as has been observed

elsewhere, "The phrase with which royal officials in the New World received a new law which they did not intend to put into effect—'Let this law be formally obeyed, but not enforced'—has become embedded in all the textbooks as a clear case of Spanish hypocrisy"; Lewis Hanke, "Indians and Spaniards," in Peckham and Gibson, *op. cit.*, p. 3.

38. In "Indians and Spaniards," Hanke recounts how in 1935, "on my way home from archival work, I visited the ancient silver mining center of Potosí and there observed a Bolivian army officer viciously kicking Indian recruits....This officer also called the Indians 'dogs' and other unpleasant names. Later, when philosophically-minded historians eager to split hairs denied that any Spaniard had ever called Indians 'beasts' in the full scientific and philosophical sense of the word, I found it difficult to follow their subtle reasoning."
39. Bartolomé de Las Casas, *The Devastation of the Indies: A Brief Account* (Baltimore: Johns Hopkins University Press, 1992). For population estimates, see Sherburn F. Cook and Woodrow Borah, *Essays in Population History, Vol. I: Mexico and the Caribbean* (Berkeley: University of California Press, 1971); esp. "The Aboriginal Population of Hispaniola," pp. 376-410.
40. David E. Stannard, *American Holocaust: Columbus and the Conquest of the New World* (London/New York: Oxford University Press, 1992, p. 85).
41. Nobel David Cook, *Demographic Collapse: Peru, 1520-1620* (Cambridge, MA: Cambridge University Press, 1981, p. 114).
42. John Grier Varner and Jeanette Johnson Varner, *Dogs of Conquest* (Norman: University of Oklahoma Press, 1983, pp. 192-3).
43. This is from a contemporaneous account by Peter Martyr, quoted in Tzvetan Todorov, *The Conquest of*

America: The Conquest of the Other (New York: Harper and Row Publishers, 1984, p. 141).

44. Stannard, *op. cit.*, pp. 83-4.
45. See, for example, the descriptions of the supposedly "bestial" nature of the "tribal" Irish offered by William Thomas during the 1550s; quoted in Howard Mumford Jones, *O Strange New World: American Culture—The Formative Years* (London: Chatto and Windus Publishers, 1964, p. 169). It is worth noting that, to the extent the more educated English viewed the Irish as being human at all, they emphatically denied that such "wild men" might be considered "White." Hence, until the late nineteenth century, the Irish were officially categorized as being "Black" by their colonizers.
46. Quoted in Richard Slotkin and James K. Folsom, eds., *So Dreadful a Judgement: Puritan Responses to King Philip's War, 1676-1677* (Middletown, CT: Wesleyan University Press, 1978, p. 381). The description of Indian homes as being "nothing more than kennels" comes from Sarah Kembel Knight, *The Journal of Madam Knight* (Boston: David R. Godine Publisher, 1972, p. 22).
47. Quoted in Slotkin and Folsom, *op. cit.*
48. Douglas Edward Leach, *Flintlock and Tomahawk: New England in King Philip's War* (New York: W.W. Norton Publisher, 1958, p. 237).
49. Contrary to myth, scalping was not an Indian practice, but rather something imported by the English. Its origin may be found in Ireland, where the taking of heads was used as a means of identifying slain resistance leaders. The heads were then used to terrorize the population; they were, according to Gilbert Humphrey, who thought up the idea, "laide on the ground by eche side of the waie ledynge to [English encampments] so that none could come...for any cause but commonly he muste passe through a lane

of heddes which [were] used *ad terrorem*" (quoted in Nicholas P. Canny, "The Ideology of English Colonization: From Ireland to America," *William and Mary Quarterly*, 3rd Ser., No. 30, 1973, p. 582). In the comparatively vast and forested reaches of the New World, the taking of whole heads often proved too cumbersome, and so scalping was evolved as proof the "beasts" had been killed.

50. See "John Easton's Relacion," in Charles H. Lincoln, ed., *Narratives of the Indian Wars, 1675-1699* (New York: Charles Scribner's Sons, Publishers, 1913, pp. 14, 16).

51. Quoted in James Axtell, "The Rise and Fall of the Powhatan Empire," in James Axtell, ed., *After Columbus: Essays in the Ethnohistory of Colonial North America* (London/New York: Oxford University Press, 1988, pp. 218-9).

52. For the purpose indicated, Amherst (in whose honored memory a town and university campus in Massachusetts are presently named) ordered a subordinate, Bouquet, to distribute items taken from a smallpox infirmary as "gifts" during a peace parley with Pontiac's Confederacy. The following day, Bouquet reported, also in writing, that this had been done and that he hoped the measure would "obtain the desired result." Upwards of 100,000 Indians died of smallpox in the ensuing epidemic. Although this is history's first documentable instance of biological warfare, the familiarity with requisite techniques displayed by Amherst and his men strongly suggest that the British had engaged in similar methods before; E. Wagner Stearn and Allen E. Stearn, *The Effects of Smallpox on the Destiny of the Amerindian* (Boston: Bruce Humphries, Publisher, 1945, pp. 44-5). Chemical means—poisons—were also regularly employed by English colonists for purposes of mass extermination, from at least as early as 1623; see, for

example, "Bennetes Welcome," *William and Mary Quarterly*, 2nd Ser., No. 13, 1933, p. 122.

53. The pre-invasion population estimate comes from Henry F. Dobyns, *Their Numbers Become Thinned: Native American Population Dynamics in Eastern North America* (Knoxville: University of Tennessee Press, 1983, p. 41); attrition is estimated by Stannard, *op. cit.*, pp. 120-1.
54. Quoted in Axtell, *op. cit.*, p. 219.
55. Quoted in Richard Drinnon, *Facing West: The Metaphysics of Indian Hating and Empire Building* (New York: Schocken Books, 1990, pp. 65, 331-2).
56. Quoted in Ronald T. Takaki, *Iron Cages: Race and Culture in 19th-Century America* (New York: Alfred A. Knopf, 1979, pp. 61-5). Also see Drinnon, *op. cit.*, pp. 96, 98, 116. As Stannard aptly remarks (at p. 120), "Had these same words been enunciated by a German leader in 1939, and directed at European Jews, they would be engraved in modern memory. Since they were uttered by one of America's founding fathers, however, the most widely admired of the South's slaveholding philosophers of freedom, they conveniently have become lost to historians in their insistent celebration of Jefferson's wisdom and dignity."
57. Quoted in Takaki, *op. cit.*, p. 96. As President, Jackson remained true to his (and Jefferson's) views, overseeing the removal of virtually all Indians east of the Mississippi to points west. This was accomplished by forced march at bayonet-point—called the "Trail of Tears" by its victims—often in the dead of winter, and without anything resembling adequate food, shelter, or medical care. The toll on native lives was predictably horrendous, with up to 55 percent of all Cherokees perishing as a result, about half of all Creeks and Seminoles, etc. See Russell Thornton, "Cherokee Population Losses on the Trail of Tears: A

New Perspective and a New Estimate," *Ethnohistory*, No. 31, 1984, pp. 289-300.

58. Stannard, *op. cit.*, p. 123. The massacre at Tohopeka (Horseshoe Bend) occurred on March 27, 1814. The slaughter—in which 557 Creek men and 250-300 women and children died by official count—was immortalized as a "great battle" by the Walt Disney Studios in its 1950s movie series about Davy Crockett, one of the volunteers serving under Jackson, who was cast in the film as a "genuine American hero." In reality, Crockett was a sadist who could write glowingly in his diary about "stewing the grease out of" a 12-year-old Creek boy whose arm and leg had already been shattered by musket balls; see Jimmie Durham, "Cowboys and...Notes on Art, Literature, and American Indians in the Modern American Mind," in *The State of Native America*, *op. cit.*, p. 423.
59. David Svaldi, *Sand Creek and the Rhetoric of Extermination: A Case Study in Indian-White Relations* (Washington, D.C.: University Press of America, 1989).
60. Quoted in *ibid.*, pp. 149-50, 172.
61. Stannard, *op. cit.*, p. 131. The quote from Himmler appears in Robert Jay Lifton, *The Nazi Doctors: Medical Killing and the Psychology of Genocide* (New York: Basic Books, 1986, p. 477).
62. For details on all this, see Stan Hoig, *The Sand Creek Massacre* (Norman: University of Oklahoma Press, 1961).
63. Quoted in Svaldi, *op. cit.*, pp. 298-9. It should be noted that, as late as 1991, members of the American Indian Movement in Colorado discovered that two Cheyenne scalps taken at Sand Creek were still being displayed as a "tourist attraction" in a resort near Denver.
64. Quoted in Thomas G. Dyer, *Theodore Roosevelt and*

the Idea of Race (Baton Rouge: Louisiana State University Press, 1980, p. 79).

65. Quoted in Edward S. Ellis, *The History of Our Country: From the Discovery of America to the Present Time, Vol. 6* (Cincinnati: Bartlett Publishing, 1900, p. 1483).
66. Edward Lazarus, *Black Hills, White Justice: The Sioux Nation versus the United States, 1775 to the Present* (New York: Harper-Collins Publishers, 1991, p. 29). Despite its inclusion of this sort of useful information, the book is a work of anti-Indian revisionism.
67. On Texas, see Stiffarm and Lane, *op. cit.*, p. 35. On the Dakotas, see Lazarus, *op. cit.*, p. 28.
68. Lawrence Kelly, *Navajo Roundup* (Boulder, CO: Pruett Publishing Co., 1970).
69. Sherburn F. Cook, *The Conflict Between the California Indian and White Civilization* (Berkeley: University of California Press, 1976, pp. 284). Also see Robert F. Heizer, ed., *Destruction of the California Indians* (Salt Lake City/Santa Barbara: Peregrine Smith, Inc., 1974).
70. For details on the massacre, see Dee Brown, *Bury My Heart at Wounded Knee: An Indian History of the American West* (New York: Henry Holt & Co., 1970, pp. 415-45). It should be noted that a number of Congressional Medals of Honor for "bravery" and "gallantry" were awarded to the troops who gunned down defenseless women and children.
71. Quoted in Elliot J. Gorn, Randy Roberts, and Terry D. Bilhartz, *Constructing the American Past: A Source Book of a People's History* (New York: Harper-Collins Publishers, 1991, p. 99).
72. *Ibid.*
73. The contemporary situation in Central and South America continues to display the same sorts of direct physical genocide of native peoples which marks the

historical reality of North America. In Guatemala, for example, it is estimated that perhaps 60,000 Mayan Indians have been killed, and another 100,000 turned into refugees, since 1970; Amnesty International, *Guatemala: The Human Rights Record* (London: Amnesty International Publications, 1987); Jean-Marie Simon, *Guatemala: Eternal Spring, Eternal Tyranny* (New York: W.W. Norton, 1987). In Paraguay, during the 1960s and early 70s, the bulk of the Aché people were exterminated through the time-honored expedient of hunting them down with dogs, dispatching them with machetes, and selling the survivors into slavery; Richard Arens, ed., *Genocide in Paraguay* (Philadelphia: Temple University Press, 1976). In Brazil, some 150 distinct peoples are presently confronted with the prospect of genocide because of "development" of the homelands in the Amazon Basin; *The Indian People in Brazil, Vols. 1-18* (São Paulo: Center for Documentation and Information, 1978-1981).

74. The U.S. had, at this point, largely defeated the formidable southern plains peoples—the Comanche, Kiowa, Kiowa Apache, Southern Cheyenne, and Southern Arapaho nations in particular—who comprised one of the two major remaining military barriers to its consolidation of the 48-contiguous area; William H. Leckie, *The Military Conquest of the Southern Plains* (Norman: University of Oklahoma Press, 1963). On the northern plains, it was even then preparing to destroy the final obstacle, composed mainly of the Lakota, Northern Cheyenne, and Northern Arapaho nations; Ralph K. Andrist, *The Long Death: The Last Days of the Plains Indians* (New York: Macmillan Publishers, 1964). Other pockets of residual Indian resistance, among the Chiricahua Apaches of southern Arizona, for example, were considered peripheral nuisances rather than serious threats; Odie B. Faik, *The Geronimo Campaign*

(London/New York: Oxford University Press, 1969).

75. The primary definition of "assimilation" offered by *Webster's Ninth New Collegiate Dictionary* (*op. cit.*) is "the incorporation or conversion of nutrients into protoplasm that in animals follows digestion and absorption and in higher plants involves both photosynthesis and root absorption." The official count of U.S. wars with Indians comes from U.S. Bureau of the Census, *Report on Indians Taxed and Indians Not Taxed in the United States (except Alaska) at the Eleventh U.S. Census: 1890* (Washington, D.C.: U.S. Government Printing Office, 1894, pp. 637-8). Some indication of the extent of the impact of what the report calls "individual affairs" and "private citizen actions" may be apprehended in the fact that every one of the 400-odd native peoples within the continental portion of the U.S. suffered acute physical decimation between 1775 and 1885, a period in which official wars were fought against only 40 of them.

76. 15 Stat. 7, 9.

77. 42 Stat. 582, 590; 25 U.S.C. 155. It should be noted that a number of legislative precursors to this act appear in the record. These applied, however, to individual native nations, or specified groups of nations. The 1883 act was the first to be applied on an across-the-board basis.

78. These are terms habitually used by the so-called "Friends of the Indian," a group which lobbied for absolute social and cultural subordination/dissolution of surviving Indians as a "humane" alternative to final extermination during the second half of the nineteenth century. It was they who were mainly responsible for pushing federal Assimilation Policy into existence. For an advocate's recounting, complete with all the rampant paternalism entailed in the assimilationist perspective, see Loring Benson Priest, *Uncle*

Sam's Stepchildren: The Reformation of United States Indian Policy, 1865-1887 (New Brunswick, NJ: Transaction Books, 1942).

79. Major Crimes Act; Sec. 9, 23 Stat. 362, 385 (March 3, 1885); later incorporated, with amendments, in 18 U.S.C. 548.
80. General Allotment Act; 24 Stat. 388 (February 8, 1887).
81. 43 Stat. 253, 8 U.S.C. 3 (June 2, 1924).
82. 30 U.S. (5 Pet.) 1, 16. Actually, Marshall quite deliberately opened the door to this very sort of interpretation of his opinion. His was an exercise in deforming international laws prohibiting wars of conquest to virtually compel them where Indians were concerned. See Ward Churchill, *Struggle for the Land: Indigenous Resistance to Genocide, Ecocide and Expropriation in Contemporary North America* (Monroe, ME: Common Courage Press, 1993); esp. "Perversions of Justice: Examining the Doctrine of U.S. Rights to Occupancy in North America," pp. 33-83.
83. 187 U.S. 553. *Lonewolf* might be viewed as the capstone to a line of cases beginning in 1886 with *United States v. Kagama* (118 U.S. 375): "[T]hese Indians are within the geographical limits of the United States. The soil and the people within these limits are under the control of the Government of the United States...the right to exclusive sovereignty...must exist in the National Government, and can be found nowhere else." This thinking can obviously be traced directly back to Marshall's formulations in the "Cherokee Cases" of the early 1830s; see the aforementioned *Cherokee v. Georgia* and *Worcester v. Georgia* (31 U.S. (6 Pet.) 551 (1832).
84. Public Law 280 (67 Stat. 588, 590; August 15, 1953).
85. 348 U.S. 272.
86. John Marshall can once again be said to have laid

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the groundwork for this interpretation, this time in *Johnson v. McIntosh* (21 U.S. 98 Wheat. 543 (1821)). Here, the Chief Justice argued, in effect, that since Discovery Doctrine imparted a legal prerogative to discovering powers to constrain indigenous nations within the area discovered from alienating their land to anyone else, it implied that the sovereignty of the discoverer was to that extent superior to that of the discovered. This is, in fact, the exact opposite of the intent underlying Vitoria's definitive formulation of the doctrine; see Ernest Nys, ed., *Franciscus de Vitoria, de Indis et de Jure Belli: Refleciones* (New York: Oceana Publications, 1947).

87. *Oliphant v. Suquamish Indian Tribe*, 435 U.S. 191 (1978).

88. To take one example, the Treaty of August 7, 1790, with the Creek Nation states that no citizen or inhabitant of the United States would be allowed to "go into the Creek country, without a passport first obtained from the Governor of some one of the United States, or the officer of the troops of the United States commanding at the nearest military post on the frontiers, or such other person as the President of the United States may, from time to time, authorize or grant the same."

89. Felix S. Cohen, *Handbook of Federal Indian Law* (Washington, D.C.: U.S. Department of Interior, 1942, p. 6). Cohen posits numerous precedents to corroborate his point: "Treaty of January 21, 1785, with the Wiandot, Delaware, Chippewa, and Ottawa Nations, 7 Stat. 16; Treaty of November 28, 1785, with the Cherokees, 7 Stat. 18; Treaty of January 3, 1786, with the Choctaw Nation, 7 Stat. 21; Treaty of January 10, 1786, with the Chickasaw Nation, 7 Stat. 24; Treaty of January 31, 1786, with the Shawanoe Nation, 7 Stat. 26; Treaty of January 9, 1789, with the Wyandot, Delaware, Ottawa,

Chippewa, Pattawattima, and Sac Nations, 7 Stat. 28; Treaty of August 7, 1790, with the Creek Nation, 7 Stat. 35; Treaty of July 2, 1791, with the Cherokee Nation, 7 Stat. 39; Treaty of August 3, 1795, with the Wyandots, Delawares, Shawanoes, Ottawas, Chippewas, Putawatimes, Miamis, Eel River, Weea's, Kickapoos, Piankashaws, and Kaskaskias, 7 Stat. 49."

90. As Sanders (*op. cit.*) notes at page 164, the Inquisition banned Las Casas's *Destruction of the Indies* because, to quote the official text: "This book contains a narrative of very terrible and savage events, whose like does not exist in the histories of other nations, committed, says the author, by Spanish soldiers, settlers in the Indies, and ministers of the Catholic King. It is advisable to seize these narratives as injurious to the Spanish nation, since even if they were true it would have sufficed to make a representation to His Catholic Majesty and not to publish them throughout the world, so giving the initiative to enemies of Spain and to heretics!" As late as 1963, Ramón Mendéndez Pidal, one of Spain's most "reputable" scholars, was still toeing this 450-year-old official line, railing against Las Casas for having let the cat out of the bag; *El Padre las Casas: Su doble personalidad* (Madrid: 1963).

91. Stannard, *op. cit.*, p. 115. He is relying on Sanders (*op. cit.*, pp. 339-40) and Paul Carter, *The Road to Botany Bay: An Exploration of Landscape and History* (New York: Alfred A. Knopf Publishers, 1988, pp. 63-8, 326-31).

92. Francis Jennings, *The Invasion of America: Indians, Colonialism, and the Cant of Conquest* (New York: W.W. Norton Publishers, 1976, p. 17). He is referring to James M. Mooney, *The Aboriginal Population of America North of Mexico* (Washington, D.C.: Smithsonian Miscellaneous Collections, LXXX, No. 7,

1928) and James Gorham Palfrey, *History of New England* (5 vols.; Boston, 1858-1890).

93. Jennings, *op. cit.*, pp. 18-9. He is referring to Alfred Louis Kroeber, "Native American Population," *American Anthropologist*, N.S., XXXVI, 1934, pp. 1-25; and "Section 11: Population," in Alfred Louis Kroeber, *Cultural and Natural Areas of Native North America* (Berkeley/Los Angeles: Publications in American Archaeology and Ethnology, XXXVIII, 1939). Kroeber's one million estimate remained the official "truth" pronounced by the federally-sponsored Smithsonian Institution—generally considered the definitive source for such information in the United States—until well into the 1980s. Under heavy pressure during the latter decade, the official estimate has recently been revised upward to two million.

94. U.S. Bureau of the Census, *Fifteenth Census of the United States, 1930: The Indian Population of the United States and Alaska* (Washington, D.C.: U.S. Government Printing Office, 1937). This would make the attrition of Indians in the United States approximately 75 percent by 1900, or "no worse than" that experienced by the Jews at the hands of the nazis.

95. Henry F. Dobyns, "Estimating Aboriginal American Population: An Appraisal of Techniques with a New Hemispheric Estimate," *Current Anthropology*, No. VII, 1966, p. 395.

96. Jennings, *op. cit.*, p. 16.

97. *Ibid.*

98. *Cultural and Natural Areas of Native North America*, *op. cit.*, pp. 148, 149.

99. Dissemination of these key descriptors on a mass basis has occurred primarily via high school and introductory collegiate anthropology texts, and through such print media vehicles as *Time* and *Newsweek*. In the latter regard see the entirety of the

content devoted to the subjects of the Columbian Quincentennial and "Political Correctness" in both magazines during the period 1990-1992.

100. Interestingly, this notion—literally, that "Indians ate shit (and maybe still do)"—was embraced as avidly by sectors of the Euroamerican left as by the right. See Revolutionary Communist Party, USA, "Searching for the Second Harvest," in Ward Churchill, ed., *Marxism and Native Americans* (Boston: South End Press, 1983, pp. 35-58).

101. The low number comes from Russell Thornton, *American Indian Holocaust and Survival: A Population History Since 1492* (Norman: University of Oklahoma Press, 1987, pp. xvii, 28-9, 242). The higher numbers come from Dobyns, "Estimating Aboriginal American Population," *op. cit.*, p. 415; and *Their Numbers Become Thinned*, *op. cit.*, p. 42. For a succinct review of the sociocultural implications attending such figures, see M. Annette Jaimes, "The Stone Age Revisited: An Indigenist View of Primitivism, Industrialism and the Labor Process," *New Studies on the Left*, Vol. XIV, No. 3, Winter 1990-1991, pp. 57-70.

102. For a classic articulation of this thesis, see Kinney, *A Continent Lost—A Civilization Won: Indian Land Tenure in the United States* (Baltimore: Johns Hopkins University Press, 1937).

103. Essentially, what is at issue is a racist rationalization/justification of colonial domination virtually identical to that elaborated on behalf of the British by Rudyard Kipling. For an unintendedly ironic elaboration of exactly this parallel, see Corey Hurbert's effusive endorsement of the policies of Indian Commissioner Charles H. Burke, "He Carries the White Man's Burden," *Collier's Magazine*, May 12, 1923, at p. 13.

104. The issue focuses upon the "Draft Declaration of the

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Rights of Indigenous Peoples," intended for submission in 1993 by the United Nations Working Group on Indigenous Populations, a subpart of the Economic and Social Council (ECOSOC), to the General Assembly. The U.S. and Canada, which had earlier insisted on the particular formulation which appears as the title of the Working Group itself, have sought since 1982 to prevent the declaration from referring to indigenous peoples as "peoples." On establishment of the Working Group, its mandate to draft the convention, and related matters, see Gudmundur Alfredsson, "International Law, International Organizations, and Indigenous Peoples," *Journal of International Affairs*, Vol. 36, No. 1, 1982, pp. 113-25. For the Working Group's history since its inception, see Douglas Sanders, "The U.N. Working Group on Indigenous Populations," *Human Rights Quarterly*, No. 11, 1989.

105. This is spelled out in the U.S./Canadian response to the International Labor Organization's "Draft Convention on Indigenous and Tribal Peoples" advanced in 1989 under the I.L.O. Constitution (3(1), 19, 62 Stat. 3485, 4 Bevans 188, 15 U.N.T.S. 35). Both governments finally stipulated, after several years of obstruction, that they would accept use of the term "peoples [in the convention] so long as it is understood that this does not convey the sense of 'peoples' as embodied in its customary legal meaning." For further background on the I.L.O. and its relationship to native rights, see S. James Anaya, "The Rights of Indigenous Peoples and International Law in Historical and Contemporary Perspective," in Robert N. Clinton, Nell Jessup Newton, and Monroe E. Price, eds, *American Indian Law: Cases and Materials* (Charlottesville, VA: The Michie Co., 1991, pp. 1257-76).

106. As the matter is put by the *Harvard Civil Rights-Civil*

Liberties Law Review (No. 509, 1987, pp. 589-602): "It is important from an international legal perspective to distinguish peoples from minorities, since they are granted different political status. A minority does not have the right of self-determination in international law."

107. "Ethnic or racial populations" cannot be lawfully subjected to genocide, for example. It is worth noting in this regard, however, that both the U.S. and Canada served as major obstructions to formulation of the United Nations Convention on Punishment and Prevention of the Crime of Genocide during 1947 and 1948, managing to have its language and scope considerably diluted before allowing its finalization. The U.S. then proceeded to refuse to ratify even the diluted instrument for some forty years after its enactment in 1948. When Ronald Reagan finally signed the convention into U.S. statutory force in 1988 (The Genocide Convention Implementation Act, Title 18, Crimes and Criminal Procedure, Part I, Chapter 50A), it was on the basis of a so-called "sovereignty package" authored in the Senate, by which the United States sought to unilaterally exempt itself from any provision of the convention it found inconvenient. This last has been rejected by other signatories, leaving the U.S. alone among the recognized nations of the world to have never officially acknowledged genocide as a crime in which it cannot freely engage. For background and details, see Lawrence J. LeBlanc, *The United States and the Genocide Convention* (Durham, NC: Duke University Press, 1991).

108. The United Nations Charter declares in its first article that "all *peoples* have the right to self-determination." This principle is amplied and clarified under Articles 55, 56, and 73 of the charter. The same points are articulated elsewhere, as in the

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International Covenant on Civil and Political Rights (G.A. Res. 2200A, 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6546 (1966)) and the International Covenant on Economic, Social and Cultural Rights (G.A. Res. 2200A, 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6546 (1966)).

109. Declaration of the Granting of Independence to Colonial Countries and Peoples, G.A. Res. 1514, 15 U.N. GAOR, Supp. (No. 16) at 66-67, U.N. Doc. A/4684 (1960).

110. A people, as defined by the International Court of Justice, is "a group of persons living in a given country or locality, having a race, religion, language and traditions of their own and unified by this identity of race, religion, language and tradition, in a sentimental solidarity, with a view to preserving their traditions, maintaining their form of worship, insuring the instruction and upbringing of their children in accordance with the spirit and traditions of their race and rendering mutual assistance to each other"; *Greece v. Bulgaria* (1930 P.C.I.J. (ser. B) No. 17, at 21 (July 31)). Leaving aside the problematic consideration of "race," such a description would obviously fit American Indian societies. Moreover, the United Nations Special Rapporteur Aureliu Cristescu has simplified the resulting definition to read, "a social entity possessing a clear identity and its own characteristics...[and exhibiting a close] relationship with territory"; *The Right to Self-Determination: Historical and Current Development on the Basis of United Nations Instruments* (U.N. Doc. E/CN.4/Sub.2/404/Rev.1 (1981), p. 279). This fits even better.

111. This principle has in fact been actualized with regard to indigenous peoples formerly colonized by Denmark; see Gudmundur Alfredsson, "Greenland and the Law of Political Decolonization," *German*

Yearbook of International Law, No. 25, 1980.

112. Ved Nanda, "Self-Determination Under International Law: The Right to Secede," *Case Western Reserve Journal of International Law*, No. 13, 1981.

113. Declaration of the Inadmissibility of Intervention in Domestic Affairs of States and the Protection of Their Independence and Sovereignty, G.A. Res. 2131, 20 U.N. GAOR, Supp. (No. 14) at 11-12, U.N. Doc. A/6014 (1965).

114. As Anaya (*op. cit.*) points out at page 1266, the U.S. would seem to be seeking to perpetuate the notion articulated by noted jurist Lassa Oppenheim in the 1920 edition of his *International Law*—"that the law of nations does not apply 'to *organized wandering tribes*'"—and to ensure that indigenous peoples are seen as falling into this category.

115. Robert T. Coulter, *Handbook for Indians on International Human Rights Procedures* (Washington, D.C.: Indian Law Resource Center, 1984, p. 14).

116. Herbert Marcuse, "Repressive Tolerance," in Robert Paul Wolf, Barrington Moore, Jr., and Herbert Marcuse, *A Critique of Pure Tolerance* (Boston: Beacon Press, 1965).

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